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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision:16.10.2023

+ **CRL.M.C. 7579/2023**

HARPREET SINGH AND ORS Petitioners

Through: Mr R.P. Singh, Adv.

versus

STATE NCT OF DELHI AND ANR Respondents

Through: Ms Priyanka Dalal, APP.

IO/SI Ashish in person.

Complainant/Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

GIRISH KATHPALIA, J. (ORAL):

1. Petitioners no. 1 and 2 are present in the court, identified by the learned counsel as well as by the IO/SI Ashish. Petitioners No. 3 to 7 have appeared through video conferencing and are identified by learned counsel for the petitioners and the IO/SI Ashish.

2. The complainant *de facto* who is the respondent no. 2 herein is also present in the court and in response to a specific query she says that she did not receive back her *stridhan* jewellery, though at the stage of mutual consent divorce she signed the MoU with an averment (v) that she has received her *stridhan* articles jewellery etc. It is explained by the complainant *de facto* that since her husband/petitioner no.1 was in jail at that time, she agreed to the said terms.



3. Although the complainant *de facto*/respondent no.2 states that she has no objection if the FIR is quashed, in order to ensure that it is her informed decision, it would be appropriate that she is granted legal assistance.
4. Therefore, a copy of this order be sent to DHCLSC with a request to appoint free legal aid counsel on behalf of respondent no. 2.
5. At this stage, Mr Imran Khan, counsel for the complainant *de facto*/respondent no.2 has appeared through videoconferencing and submits that parties have settled all their disputes, so it would be in fitness of things to allow the petition.
6. I have repeatedly asked the complainant *de facto*/respondent no.2 in vernacular and she has asserted that she does not wish to proceed further with the criminal trial proceedings and submits that she does not wish to raise any claim regarding her *stridhan* articles since the divorce has already been granted.
7. By way of this petition brought under Section 482 Cr.P.C, the petitioners, being husband and in-laws of complainant *de facto* /respondent no.2 have sought quashing of FIR No. 568/2018 registered by PS Rajouri Garden for offences punishable under Section 498A/406/34 IPC and the trial proceedings arising out of the same pending in the Court of Ms Deepika Thukran, Metropolitan Magistrate, West District, Tis Hazari Courts, Delhi.
8. The marriage between the complainant *de facto* and petitioner no.1 was solemnized on 21.07.2016 but they were not blessed with any child and are living separately from each other since 23.09.2017.
9. On account of temperamental differences, petitioner no. 1 and



respondent no.2 opted to proceed with seeking divorce with mutual consent.

10. By way of judgment and order dated 30.04.2019, the joint petition filed by the present petitioner no.1 and respondent no.2, under Section 13B(2) of the Hindu Marriage Act was allowed and their marriage was dissolved.

11. As recorded above, the respondent no.2 has stated in this court that she does not want to raise any claim regarding her *stridhan* and other articles since her marriage with petitioner no.1 stands dissolved.

12. The complainant *de facto* respondent no.2 also has stated in no uncertain terms that she has no objection if the present petition is allowed since she has settled all the disputes with the petitioners.

13. Keeping in mind, the desirability to bring permanent quietus to the dispute as well as to meet ends of the justice, it would be apposite if the petition is allowed.

14. Therefore, the petition is allowed and consequently, FIR no. 568/2018 registered by PS Rajouri Garden for offences punishable under Section 498A/406/34 IPC on the complaint lodged by the present respondent no.2 as well as the trial proceedings arising out of the same pending in the Court of Ms Deepika Thukran, Metropolitan Magistrate, West District, Tis Hazari Courts, Delhi, are hereby quashed.

15. Accordingly, the petition stands disposed of.

**GIRISH KATHPALIA
(JUDGE)**

OCTOBER 16, 2023/RV/AS